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29 March 1965

MEMORANDUM FOR THE RECORD

**SUBJECT: Meeting with Congressman Jack Brooks (D., Tex.)
and Ernest C. Baynard re. H.R. 4845**

1. As soon as we received BOB clearance of the Agency's report on H.R. 4845, I contacted Ernest C. Baynard, Staff Administrator, Subcommittee on Government Activities, who will be handling the bill.

2. Mr. Baynard's immediate reaction to our report was that he was sorry that we had tied ourselves so closely to DOD's position. He felt DOD's position had many holes in it and could not be defended. This, he said, would be demonstrated in the hearings when Deputy Assistant Secretary of Defense for Installations and Logistics, Mr. Paul H. Riley, testified.

3. Mr. Baynard said that the main argument they would use to defend the bill against agencies who allege that it violated their internal management responsibilities, etc., would be that under the terms of the bill, the authority conferred upon the Administrator will be exercised subject to the direction of the President and the fiscal and policy control of BOB. This is a good point as it is most difficult for agencies to rebut that argument without challenging the adequacy of Presidential direction and BOB policy guidance.

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CONFIDENTIAL

4. Mr. Baynard contended that anyone who opposed the bill would be in for a rough time. This is because the Committee looks upon the legislation as establishing a program for the efficient management of ADP in Federal government. Any dilution of the bill would, in their opinion, render the concept ineffective.

5. They look upon individual merits of any agency's exceptions to the bill as being a matter for administrative determination under the bill, and they are not interested in accommodating "such details" in the bill. They feel all needs of agencies which have merit will be understood and properly answered through the process of "Presidential direction" and "BOB policy guidance" as provided for in the bill.

6. Mr. Baynard spoke entirely in generalities when attacking DOD's position and offered no details on the weakness of that position. He kept harping on the fact that any objections to the bill which have merit will be statutorily handled at Presidential direction and BOB guidance. He brought up the fact that AEC endorsed the bill without bringing out the point that they, too, raised objections which, although not as numerous, were similar to those raised by DOD. When asked about this, he again indicated that these were merely details that could be properly accommodated under the bill as administrative determinations.

7. At this juncture, I had a brief session with Congressman Brooks, Chairman of the Subcommittee on Government Activities. He said he understood our concern but defended his bill by repeating the arguments Mr. Baynard had previously advanced. However, he went out of his way to assure us that it was not their intent to make inroads into the integrity of our security responsibilities, and he asked Mr. Baynard to be sure to explain this fully to us. I pointed out to the Congressman that our primary purpose was to assure that there would be no conflict between our security responsibilities, which are of the highest interest, and the mandatory provisions of the bill, and that the method by which this is done is secondary. He said he, himself, wanted to be assured on this point and he said he would give attention to it before the bill was reported out. He would not be drawn out on whether such action by him would be reflected in the language of the bill or in the report accompanying it. Mr. Brooks then broke out into a monologue on how little he knew about the Agency except that Mr. Vinson and Mr. Mahon provided bushels of money to the Agency for purposes he really did not understand. Before I could interject any comment, he went on to say

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that he recognized that we were doing an important job, and we're all on the same team. I said that he had just supplied a rebuttal for his own previous remarks, and so I would say nothing, to which he laughed.

8. Mr. Baynard and I continued our discussions, and he suggested that maybe "in our own interest," we might like to review our position. What he would like from us would be:

(a) to generally endorse the philosophy of the bill,

(b) to withdraw our support for the DOD position and make our point independently.

I thanked Mr. Baynard for the great amount of time that he devoted on this day immediately preceding their hearing and said that I would leave our report with him. I told him that I could not withdraw the report at my own volition; but if it were agreeable with him, I would leave it on a tentative basis with the understanding that I would report back the substance of his and Mr. Brooks' observations and would advise him whether we were going to stand on our report or submit a revised one.

9. It is my estimate that if we decide to revise our report, the least we should shoot for (and I think we can get) is a statement in the report accompanying the bill that the bill in no way intends to enlarge centralized authorities in the case of ADP which would dilute the statutory responsibilities of heads of agencies and that specifically it is not the intent of the Congress that the centralized management provisions of the bill would apply where a head of a Federal agency would be required to disclose national security information which he, by law, is specifically held responsible to protect. The scheduled witnesses are:

Mr. Joseph Campbell	Comptroller General
Mr. Elmer B. Staats	Bureau of the Budget
Mr. Lawson Knott	Acting Administrator, GSA
Mr. Paul H. Riley	Deputy Assistant Secretary of Defense for Installations and Logistics
Mr. Edmund G. Buckley	NASA
Mr. John Abbadessa	Comptroller, AEC
Mr. William W. Eaton	Science and Technology Office, Department of Commerce

SIGNED

[Redacted Signature]

Office of Legislative Counsel

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